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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,482	11/28/2001	Michael J. McKay	Leichtag001C	3333

7590 10/03/2002

THE MATTHEWS FIRM  
Suite 1800  
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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

LC

<b>Office Action Summary</b>	Application No. 09/995,482	Applicant(s) MCKAY ET AL.	
	Examiner Scott E. Jones	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because solid black shading is not permitted as in figures 1-
2. Reference numbers, characters, and legends are not plain and legible in figures 1-4. Correction is required.
2. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcelou in view of Munson et al. and Leeson. Barcelou (U.S. Patent # 6,048,271) teaches of an automated league and tournament game device containing a computerized function (and appropriate hardware and software) so that the outcome of at least one game of skill may be decided among two or more players. Barcelou discloses equipment with the technology of real time video telephone and/or video broadcasting connections between and among local or wide area players or other video networks; printouts of discount coupons, award certificates, player statistics and/or game or tournament results, column 4, lines 15-20 (Claims 1, 2, 11 and 15). Barcelou's tournament game device provides for intellectually challenging games, like trivia (column 6, line

27), and a game player utilizes a touch screen 44 of figure 4 or touch screen 18 of figure 1 to input answers to a plurality of questions (Claims 1, 9, and 14). Barcelou also discloses electronic sensors within the kiosk connected with the accompanying computerized control equipment to determine the winner of a game of skill and the winner's identity can be confirmed via the video command touch screen (Claims 1, 9, and 14). In addition, Barcelou discloses a central control in figure 8 that can receive certificates (electronically or via hard copy printout) from a plurality of winners all around the world at multiple game kiosk stations and determine an ultimate winner of a game based upon scores received on the collected certificates (Claims 3, 4, 8, 12-13, and 16). Barcelou's device does not explicitly disclose that a player input his/her name while playing the game. Barcelou is also silent to the computation of a player's score based on both correct and incorrect answers to posed questions. Munson et al. (U.S. Patent # 5,035,625) discloses in figure 1a that a game program requests a student input their name before the game program starts. Leeson (U.S. Patent # 5,193,818) discloses, in the abstract, a parlor game, video game, television, or computer game whereby means are provided for the selection of a particular question by the player and for accumulating the player's score based on proper answers to questions (Claims 1, 5, 9, and 14). Leeson also discloses a method of scoring when a player fails to answer a question with a correct answer. A player's score continues to accumulate during the game, but zero points are awarded for an incorrect answer, column 2, lines 49-57 (Claims 2, 6, and 10). It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the tournament game device of Barcelou to include the scoring method of Leeson to provide for a fair method of determining an ultimate winner at a central control during tournament play.

Regarding Claims 1, 5, 9, and 14, to one of ordinary skill in the art, supplying or inputting one's name and other personal information into an electronic device to register a game player in a tournament or to play a game is well known and widely used to identify a player, person, or even a game or tournament winner. Barcelou appears to lack explicitly disclosing inputting names of at least one player of a game into an electronic device, although, Barcelou does disclose that general registration procedures are used in the game, but not described in detail.

However, those of ordinary skill in the art know that providing a means to identify a player, person, or winner of a game or tournament is well known in the gaming art. For example, one of ordinary skill in the gaming art could identify a winner of a game by utilizing a person's name in:

- a winner of a singles tennis match.
- a winner of a golf tournament.
- a winner of the 100-meter dash in the Olympics.

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the applicant's invention, to input names of at least one player of a game into an electronic device to identify a player in the game.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ho et al. '300, '330, Walker et al. '549, Roemer, Jr. et al. '884, Kelly et al. '918, Reutlinger '279, Fumagallie et al. '344, Terzian et al. '678, Piwonka et al. '779,

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Freda, III '389, Roberts '535, Walker '423, Olsen '125, Cantelon '388, Hyman et al. '838, Lotvin et al. '831, Stephenson '237, Druckman et al. '925, Saunders '834, and Von Kohorn 592 disclose question and answer games.

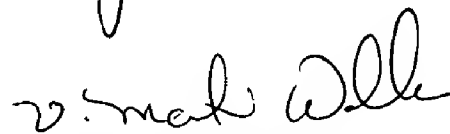
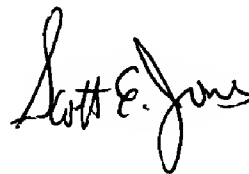
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones  
Examiner  
Art Unit 3713

sej  
September 19, 2002



VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700